

DETAILED ACTION

The following is a Final Office Action in response to communications received April 14, 2008. Claim 18 has been amended. Claims 1-20 remain pending and examined.

Response to Amendments

Applicant's amendment does not address all the rejections of the prior office action. Applicant's arguments have been considered, but are not persuasive, as detailed in a separate section later in this action.

Claim Rejections - 35 USC § 112

Applicant's amendment to Claim 18 filed April 14, 2008 with respect to Claim 18 properly addresses previous claim rejection under 35 USC §112. The claim rejection under 35 USC §112 of Claim 18 has thereby been withdrawn. However, Claim 18 remains rejected under 35 USC § 102 as still being anticipated by the previously cited prior art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7, 8, 10, 11-13, 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Welnicki (Pub. No.: US 2002/0073005).

CLAIMS 1 AND 11

As to Claim 1, *Welnicki* teaches a system for generating information representative of a current financial portfolio relative to a future financial position of one or more investors (see at least Abstract and Figure 3), the system comprising:

a computing device including one or more processing means for processing data and one or more storing means for storing data (see at least ¶[0006], ¶[0007], and Figure 1);

one or more inputting means for inputting criteria information representative of the current financial portfolio and information representative of the future financial position of the one or more investors (see at least ¶[0052] and ¶[0197] and Figure 29);

one or more initializing means for generating the current financial portfolio based on the criteria information input and for generating a relative future financial position based on a reverse extrapolation of the future financial position (see at least ¶[0009], ¶[0011], ¶[0017], and ¶[0136]);

calculating means for mathematically comparing the current financial portfolio to the relative future financial position and determining a discrete symbolic rating (see at least ¶[0012]); and

one or more transmitting means for presenting the discrete symbolic rating to the one or more investors (see at least ¶[0017], ¶[0052], ¶[105], and Figure 3, item 62 – it is

implicit that a discrete symbolic rating is presented since the calculated difference would result in a number).

Claim 11 is rejected on the same grounds as Claim 1.

CLAIMS 2 AND 12

As for Claim 2, *Welnicki* teaches the system wherein the criteria information representative of the current financial position is selected from the group consisting of income, savings, real estate, bonds, stocks, pension investment, social security, taxes, inheritance, gifts, personal property, intellectual property, debt, and combinations thereof (see at least ¶'s [0095] through [0104]).

Claim 12 is rejected on the same grounds as Claim 2.

CLAIMS 3 AND 13

As for Claim 3, *Welnicki* teaches the system wherein the information representative of the future financial position is selected from the group consisting of income, savings, real estate, bonds, stocks, pensions, social security, taxes, inheritance, gifts, personal property, intellectual property, debt, insurance, medical costs, and combinations thereof (see at least ¶[0009] and ¶'s [0095] through [0104]).

Claim 13 is rejected on the same grounds as Claim 3.

CLAIMS 7 AND 17

As for Claim 7, *Welnicki* teaches the system wherein the computing device is a personal computer (see at least ¶[0050] and ¶[0056]).

Claim 17 is rejected on the same grounds as Claim 7.

CLAIMS 8 AND 18

As for Claim 8, *Welnicki* teaches the system wherein the personal computer is connected to the Internet (see at least ¶[0052] and ¶[0056]).

Claim 18 is rejected on the same grounds as Claim 8.

CLAIMS 10 AND 20

As for Claim 10, *Welnicki* teaches the system wherein the transmitting means is one or more transmissions via the Internet (see at least ¶[0052], ¶[0056], and ¶[0058]).

Claim 20 is rejected on the same grounds as Claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-6 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welnicki (Pub. No.: US 2002/0073005) as applied to claims 1-3, 11-13, 10, and 20 above, and further in view of Long (Pub. No.: US 2004/0103050).

CLAIMS 4 AND 14

As for **Claim 4**, while *Welnicki* discloses a system for generating information representative of a current financial portfolio relative to a future financial position of one or more investors for which this relationship corresponds to a discrete symbolic rating, it does not specifically disclose that the discrete symbolic rating is a letter grade, a numeric value, a unique set of figures, or combinations thereof. *Long* discloses a discrete symbolic rating is a letter grade, a numeric value, a unique set of figures, or combinations thereof (see at least ¶[0033], ¶[0037], ¶[0039], and ¶[0067]). It was known in the art that a letter grade, a numeric value, a unique set of figures, or combinations thereof are all forms of a discrete symbolic rating. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a letter grade, a numeric value, a unique set of figures, or combinations thereof as disclosed by *Long* for a discrete symbolic rating as disclosed by *Welnicki* because this would make the system more comprehensible and convenient.

Claim 14 is rejected on the same grounds as Claim 4.

CLAIMS 5 AND 15

As for Claim 5, while Welnicki teaches a system for generating information representative of a current financial portfolio relative to a future financial position of one or more investors for which this relationship corresponds to a discrete symbolic rating, it does not specifically disclose that the discrete symbolic rating is a numeric value between about 0 and about 1. *Long* discloses a discrete symbolic rating is a numeric value between about 0 and about 1 (see at least ¶[0057]). It was known in the art that a numeric value between about 0 and about 1 is a form of a discrete symbolic rating. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a numeric value between about 0 and about 1 as disclosed by *Long* for a discrete symbolic rating as disclosed by *Welnicki* because this would make the system more comprehensible and convenient.

Claim 15 is rejected on the same grounds as Claim 5.

CLAIMS 6 AND 16

As for Claim 6, while Welnicki teaches a system for generating information representative of a current financial portfolio relative to a future financial position of one or more investors for which this relationship corresponds to a discrete symbolic rating, it does not specifically disclose that the discrete symbolic rating is a numeric ratio. *Long* discloses a discrete symbolic rating is a numeric ratio (see at least ¶[0063] through ¶[0065]). It was known in the art that a numeric ratio is a form of a discrete symbolic rating. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a numeric ratio as disclosed by *Long* for a discrete symbolic rating as disclosed by *Welnicki* because this would make the system more comprehensible and convenient.

Claim 16 is rejected on the same grounds as Claim 6.

Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welnicki (Pub. No.: US 2002/0073005) as applied to claims 1-3, 11-13, 10, and 20 above, and further in view of Heyns et al. (Pub. No.: US 2004/0073442).

CLAIMS 9 AND 19

As for Claim 9, while *Welnicki* teaches one or more transmitting means for presenting the discrete symbolic rating to the one or more investors, it does not specifically disclose that the transmitting means is a monthly statement forwarded to the one or more investors. *Heyns* discloses a transmitting means is a monthly statement forwarded to the one or more investors (see at least ¶[0007] and ¶[0050]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Welnicki* to substitute a monthly statement forwarded to the one or more investors as a transmitting means since this provides a convenient and methodical way for presenting the discrete symbolic rating.

Claim 19 is rejected on the same grounds as Claim 9.

Response to Arguments

Applicant's arguments with respect to the rejection of Claims 1-20 filed April 14, 2008 have been fully considered but are not persuasive. Applicant argues that *Welnicki et al.* fails to teach a *discrete symbolic rating* as claimed in the present invention. Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., providing a simple and concise score to an individual that would then either tell the individual that their

current financial position relative to their retirement is acceptable or tell the individual that their current position is not going to allow them to meet their retirement goals) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). *Welnicki* does teach a *discrete symbolic rating* as claimed in Claims 1-20 (see at least ¶[0012], ¶[0017], ¶[0052], ¶[105], and Figure 3, item 62 – it is implicit that a discrete symbolic rating is presented since the calculated difference would result in a number).

Applicant's arguments with respect to the rejection of Claims 4-6, 9, 14-16, and 19 filed April 14, 2008 have been fully considered but are not persuasive. Applicant asserts that Claims 4-6 and 9 depend directly or indirectly upon Claim 1 and Claims 14-16 and 19 depend directly or indirectly upon Claim 11 and are patentable for the reasons discussed in support of those base claims. Examiner notes that Claims 4-6, 9, 14-16, and 19 stand properly rejected, as references the position with respect to Claims 1 and 11 in the previous paragraphs.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IRENE KANG whose telephone number is (571)270-3611. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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